

**BY ORDER OF THE COMMANDER
AIR FORCE RESERVE COMMAND**



**AIR FORCE RESERVE COMMAND
HEADQUARTERS OPERATING
INSTRUCTION 36-701**

4 December 1996

Personnel

LABOR-MANAGEMENT RELATIONS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This operating instruction implements AFPD 36-7, *Employee and Labor-Management Relations*. This is a total management approach to labor-management relations (LMR) by involving the command staff in the LMR program.

SUMMARY OF REVISIONS

This is the first publication of HOI 36-701, substantially revising HOI 40-2, *Labor-Management Relations*. It updates and clarifies previous guidance on implementing a total management approach to LMR.

1. Background:

- 1.1. In Oct 93, President Clinton signed Executive Order (EO) 12871 which created the National Partnership Council (NPC). The NPC was made up of a team of senior union, neutral, and management leaders charged with encouraging labor-management cooperation and partnership. The NPC also promoted the formation of labor-management partnerships in the executive branch. The EO 12871 requires that agency heads:
- 1.2. Create labor-management partnerships for forming labor-management committees or councils at appropriate levels or adapting existing committees or councils.
- 1.3. Involve employees and their union representatives as full partners to identify problems and craft solutions to better serve the agency's customers and mission.
- 1.4. Provide systematic training of appropriate agency employees including line managers, first line supervisors, and union representatives in consensual methods of dispute resolution.
- 1.5. Negotiate and instruct subordinates to negotiate over the subjects set forth in 5 U.S.C. 7106(b)(1).

1.6. Evaluate progress and improvements in organizational performance resulting from labor-management partnerships.

2. LMR Program Manager. The LMR Program Manager in HQ AFRES/DPCE provides appropriate LMR training, as required, to staff members.

3. Partnerships:

3.1. Partnerships vary by organization, but one essential characteristic exists in all: a changed labor-management relationship. As this relationship matures, collaborate problem solving becomes the preferred method of resolving workplace issues. Only through changed behavior and attitudes can partnership thrive. Partnership is a new labor-management culture that is characterized by:

3.1.1. An environment that respects and values all employees.

3.1.2. A willingness to share power.

3.1.3. Respect and trust for all or the desire to work to this goal.

3.1.4. Open and candid sharing of information.

3.1.5. Joint decision making and agreement reached through consensus.

3.1.6. Cooperation even though some may disagree on specific issues.

3.1.7. Patience for and commitment to partnership for the long haul.

3.1.8. Problems identified and solved jointly to better serve customers and achieve the mission.

3.2. In the spirit of Partnership and the requirements of EO 12871, the HQ AFRES managers and union officials established a Partnership Committee (PC). Through this PC, they agreed to work together as a team to support and enhance the HQ AFRES mission and improve working conditions for the work force.

3.3. The HQ AFRES PC is comprised of four members: HQ AFRES Assistant Vice Commander or designee, Vice President for AFRES AFGE Local 987 or designee, one representative from AFGE Local 987, and one representative from HQ AFRES/DPCE.

3.4. With advance coordination of both parties and consideration for the agenda, additional attendees may be invited as observers, but not as part of the consensus-making membership described above.

4. HQ AFRES Partnership Agreements:

4.1. Supervisors who want to make changes that affects working conditions of Bargaining Unit (BU) (non-supervisory and non-professional) employees coordinate the change through the PC before implementing. Not only is this a good business practice, but failure to do so, violates the law. To coordinate any change through the PC before implementing, a supervisor must notify DPCE in writing of the request. The written request may be sent via e-mail. Once DPCE has coordinated the request with the Partnership/union, DPCE will e-mail the initiating supervisor with the coordination. The supervisor may then implement the change being requested.

4.2. Concerns about a HQ AFRES action, procedure, or policy, proposed, impending, or implemented, which affect BU members, and which are raised by one of the PC's union members during a partnership meeting will cause that action, procedure, or policy to be suspended immediately from

further activity until the PC can get its questions answered and reach consensus regarding these concerns. If circumstances preclude or indicate against immediate suspension as previously described, a request not to suspend will be made by the management members and union concurrence will be recorded in the minutes.

4.3. The PC has also signed a relocation agreement. This agreement states that BU employees will not be required to physically relocated (move) any non-personal items, furniture, or equipment in excess of 25 pounds (or up to 50 pounds handled by at least 2 people). The parties recognize that various options exist to accomplish the moves (for example, contract personnel, military details, supervisory involvement, etc.). Management will ensure no BU employee will be required to volunteer or be pressured into volunteering to physically relocate (move) any non-personal items, furniture, or equipment in excess of 25 pounds (or up to 50 pounds handled by at least 2 people). This provision, however, does not preclude genuine volunteerism by any employee. This agreement does not apply to employees who have heavier lifting requirements in their position descriptions. The heavier requirement will prevail in those situations.

4.4. Proposed reorganizations that affect BU employees also need to be coordinated. The Directorate will brief the PC on the pending reorganization. After the briefing the proposed reorganization package is submitted (the reorganization package should include any changes made during the briefing) to DPCE for coordination and approval by the PC. A document will be signed by the PC's representative for management and labor specifying the reorganization has been approved for implementation and the package will then be returned to the Directorate for processing.

4.5. Management initiated/directed reassignments to BU positions within the Headquarters will also need to be coordinated by the union. Supervisors/managers need to advise DPCE of any pending vacancy for which they would like to consider reassignment candidates. Once the information is coordinated by DPCE with the union, the supervisor/manager will announce the vacancy via e-mail throughout HQ AFRES and consider appropriate candidates. Once the selection is made, the information will be forwarded to the Robins Air Force Base Air Logistics Center (ALC) Civilian Personnel Office (CPO) for processing.

4.6. Surveys (answers solicited from any BU employee of HQ AFRES) generated within HQ AFRES will be administered by distributing them in hardcopy only. E-mail, telephone, or computer (diskette or other media) will not be used. Prior to distributing a survey, a proposal in writing (may be via e-mail) will be coordinated with the PC explaining the general content and purpose for the survey. The proposal is to be submitted to DPCE who will, in turn, coordinate the survey with the PC. No survey will be distributed until a concurrence by the PC is received. The cover sheet or initial page of a survey will provide information on why the survey is being given, what the results will be used for, allow for anonymous responses, and clearly indicate that the survey is voluntary. Upon request by the PC, a copy of the survey results will be provided. As with any changes affecting BU employees, changes proposed due to review of survey results will be coordinated with the PC/union prior to implementation.

5. Alternative Dispute Resolution (ADR) . The Administrative Dispute Resolution Act of 1990, the Civil Rights Act of 1991, the National Performance Review (NPR), EO 12871 Labor-Management Partnerships, and the Equal Employment Opportunity Commission's (EEOC) regulations encourage the use of alternative dispute resolution (ADR) methods throughout the executive branch of the Federal government.

5.1. ADR increases the parties opportunities to resolve disputes to formal administrative procedures and litigation. It is not intended to replace the more traditional approaches. ADR is often less costly and time consuming, and can provide long-term solutions to employee-employer conflicts through stakeholders participation and buy-in. In contrast, traditional dispute resolution often imposes a "solution" handed down by a third party, whether neither party walks away satisfied and the disputants conflict continues or increases.

5.2. In the fields of employee and labor relations, the equal opportunity disputes, however, ADR has most commonly taken the form of mediation and arbitration. In this Headquarters, we encourage wide use of ADR for most employee-employer conflicts that may ensue.

5.3. Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party, who has no decision-making authority. The objective of this intervention is to assist the parties to voluntarily reach an acceptable resolution of issues in dispute. Mediation is useful in highly-polarized disputes where the parties have either been unable to initiate a productive dialogue, or in cases where the parties have been talking and have reached a seemingly insurmountable impasse.

5.4. A mediator makes primarily procedural suggestions regarding how parties can reach agreement. A mediator may occasionally suggest some substantive option as a means of encouraging the parties to expand the range of possible resolutions under consideration. A mediator often works with the parties individually, in caucuses, to explore acceptable options or to develop proposals that might move the parties closer to resolution.

5.5. Binding arbitration involves the presentation of a dispute to an impartial or neutral individual (arbitrator) or panel (arbitration panel) for issuance of a binding decision. The parties usually have the ability to decide who the individuals are that serve as arbitrators. In some cases the parties may retain a particular arbitrator to decide a number of cases or to serve the parties for a specified length of time. Parties often select a different arbitrator for each new dispute. A common understanding by the parties in all cases is that they will be bound by the opinion of the decision maker rather than to be simply obligated to "consider" an opinion or recommendation. Under the method, the third party's decision generally has the force of law but does not set a legal precedent and is usually not reviewable by the courts.

5.6. Binding arbitration is a statutorily-mandated feature of Federal labor management agreements. Consistent with statute, the parties to such agreements are free to negotiate the terms and conditions under which the arbitrators are used to resolve disputes, including the procedures for their selection.

5.7. There is a small cadre of employees here at HQ AFRES that are qualified to serve as mediators. Should you find yourself in an employee-employer conflict and wish to mediate a particular issue, please call HQ AFRES/DPCE and express your desire to have a mediator call you to discuss your particular situation.

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